

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KORAN WILKINS,

Plaintiff,

COMPLAINT

-against-

NO:

SUPERINTENDENT THOMAS M. POOLE;  
COMMISSIONER GLENN S. GOORD;  
DEPARTMENT SUPERINTENDENT DAVID  
F. NAPOLI; HEAD COUNSELOR FRANK  
RHODES; SERGEANT THOMAS HAPPELL;  
LIEUTENANT JAMES M. MINDE; CAPTAIN  
GRAFTON ROBINSON; CORRECTIONS  
COUNSELOR ROBERTO BELMONTE,  
collectively in their individual and official  
capacities,

**Jury Trial Demanded**

Defendants.

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Plaintiff, Koran Wilkins ("Mr. Wilkins") by his attorneys, Paul, Weiss, Rifkind, Wharton & Garrison, LLP, based on personal knowledge as to himself and upon information and belief as to all other matters, alleges as follows:

**I. NATURE OF THE ACTION**

1. Plaintiff brings this action for compensatory and punitive damages for Defendants' violations of his rights under the Eighth Amendment to the United States Constitution by displaying deliberate indifference in: (1) denying him protective custody despite repeated, specific warnings that he feared attack; (2) failing to implement adequate weapons control policies that would have prevented his injuries; (3) placing him in the very block which housed two of his known enemies; and (4) failing to ensure adequate staffing in the housing unit and common areas to prevent an attack.

2. Prison is an exceedingly dangerous place in which the only protection given to inmates is that provided by the superintendent and staff. Prison officials may not turn a blind eye to the risk that inmates will attack each other. On

numerous occasions, Mr. Wilkins had warned the staff of the Five Points Correctional Facility (“Five Points”) that he had received threats of harm and was in serious danger of being attacked by other inmates who were members of the Bloods gang (“Bloods”). Mr. Wilkins even named the inmate he believed would eventually order the attack, and specified which housing unit—Eight Block—posed the most danger.

3. The Five Points superintendent and staff utterly failed to respond to Mr. Wilkins’s warnings. They repeatedly refused requests for protective custody or transfer to another facility. In fact, one counselor told Mr. Wilkins that “something had to happen to him” before he could receive protective custody.

4. Furthermore, Defendants did not regularly search the inmates and their cells on Eight Block for shanks<sup>1</sup> and other weapons.

5. Finally, Defendants failed to adequately staff the housing unit and common areas on Eight Block to prevent the attack.

6. Simply stated, the Defendants were deliberately indifferent to Mr. Wilkins’s safety and well-being. Left unprotected and placed in harm’s way, Mr. Wilkins was brutally attacked by another inmate with a fashioned weapon and sustained serious, permanent injuries.

## II. PARTIES

7. Plaintiff Koran Wilkins was at all times relevant hereto a prisoner in the custody of the State Department of Corrections and incarcerated at Five Points. Mr. Wilkins was released on parole and currently resides in New York, New York.

8. Defendant Glenn S. Goord was at all times relevant hereto the Commissioner of the Department of Correctional Services (“DOCS”). Upon information and belief, he retired sometime in 2006.

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<sup>1</sup> A home made knife.

9. Defendant David F. Napoli was at all times relevant hereto the Department Superintendent of Security. Upon information and belief, he is currently employed as the Superintendent of Southport Correctional Facility.

10. Defendant Thomas M. Poole was at all times relevant hereto the Superintendent of Five Points. Upon information and belief, he retired sometime in 2007.

11. Defendant Frank Rhodes was at all times relevant hereto the Head Counselor at Five Points. He is currently employed at Elmira Correctional Facility, Elmira, New York.

12. Defendant Roberto Belmonte ("Belmonte") was at all times relevant hereto a Corrections Counselor at Five Points. He worked at Five Points from August 17, 2000 through March 15, 2007. He is currently employed at Sing Sing Correctional Facility, Ossining, New York.

13. Defendant Thomas Happell ("Happell") was at all times relevant hereto a Sergeant at Five Points. He worked at Five Points from August 23, 2003 through the day of the attack, May 9, 2005. He is currently employed at Gowanda Correctional Facility, Gowanda, New York.

14. Defendant Grafton Robinson ("Robinson") was at all times relevant hereto a Corrections Captain at Five Points. He worked at Five Points from May 13, 2004 through September 24, 2007. He is currently employed at Butler Correctional Facility, Red Creek, New York.

15. Defendant James M. Minde ("Minde") was at all times relevant hereto a Sergeant at Five Points. He is currently employed at Sing Sing Correctional Facility, Ossining, New York.

16. At all times relevant to the events described in this Complaint, all the Defendants acted under the color of state law.

### **III. JURISDICTION AND VENUE**

17. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331, as a case arising under the laws of the United States; under §1343(a)(4), as a case seeking damages pursuant to an act of Congress providing for the protection of civil rights; and under 42 U.S.C. §1983, as a case seeking to enforce rights secured by the laws of the United States.

18. Venue properly lies in this district pursuant to 28 U.S.C. §1391(b)(2), because the events giving rise to this cause of action occurred at Five Points in Romulus, New York, which is located in Seneca County, within the Western District of New York.

### **IV. FACTUAL ALLEGATIONS**

19. In early 2005, Mr. Wilkins was transferred to Five Points Prison. He was placed in the general population.

20. In early March 2005, Mr. Wilkins began to receive regular threats from certain members of the Bloods. These threats stemmed from a prior altercation at Riker's Island Mr. Wilkins had with a member of the Bloods, Shaheim Hagens (03-A-5877), called Hollywood (hereinafter "Hollywood"), who had been transferred to Ten Block on February 27, 2005. The Bloods made clear to Mr. Wilkins that they were intent on carrying out retribution against him. Mr. Wilkins received these threats at mealtimes and other times when he was exposed to the general population.

21. On March 4, 2005, Mr. Wilkins notified staff that he feared for his safety and was moved to Nine Block. This move, however, proved insufficient a protective measure, and Mr. Wilkins refused to go outdoors during the time allotted and was reluctant to leave his cell at all, for fear of being attacked. He made a written request on March 10, 2005 seeking protection and, at this point, was granted protective custody.

22. Just five days later, Defendant Minde submitted a memorandum to his superior, Lieutenant Byrne, noting, in part, that Mr. Wilkins had identified

“Hollywood” and informed Minde that he was “being plotted against.” Nevertheless, Minde refused to recommend protective custody for Mr. Wilkins.

23. On March 17, 2005, undersigned counsel, at that time representing Mr. Wilkins in a criminal appeal, wrote a letter to the Head Counselor at Five Points. The letter emphasized the importance of Mr. Wilkins’s remaining in protective custody, and underscored the reality of the threats by the Bloods against him and the credibility of his fear. The letter stated in part, “The reality of possible bodily harm and serious injury to Mr. Wilkins cannot be overstated. . . . As his attorney, I am extremely concerned for Mr. Wilkins’s safety and well-being. He should be allowed to remain in protective custody for the time being.” *See* Exhibit 1, letter by counsel, dated March 17, 2005.

24. This request notwithstanding, on March 21, 2005, Mr. Wilkins was ordered to return to the general population, specifically to the Eight Block. Mr. Wilkins strenuously protested and said that he would “be cut by the Bloods” if he were returned to the general population. Plaintiff’s fear was so great that he refused to return to the general population and requested to speak to a counselor.

25. During an interview with Defendant Belmonte, Mr. Wilkins again stated that he had received specific threats that he would be cut by the Bloods if returned to the general population. Rather than protecting him from harm or offering assistance of any kind, Belmonte told Mr. Wilkins that “something had to happen to him” before he could come back to protective custody.

26. When Mr. Wilkins refused to return to the general population, he was censured and written up for failure to obey orders. A report made by Defendant Happell on March 21, 2005 shows that Mr. Wilkins warned Happell that he “would be cut by the Bloods” if forced to reside on Eight Block. *See* Exhibit 2, Inmate Misbehavior Report, dated March 21, 2005.

27. On March 27 and March 29, 2005, Mr. Wilkins was given a Tier III hearing on the charge that he refused a direct order for refusing to return to the general population and refusing double bunking. During the hearing, Mr. Wilkins repeated the threats and renewed his request for protective custody from the leaders of the Bloods on

Eight Block. Defendant Robinson conducted the hearing. During the hearing, Mr. Wilkins specifically identified known Blood leaders who resided on Eight Block: Justin Hightower (03-A-2589) (“Hightower”) and Mark Elliot (91-A-6883) (“Elliot”) who would likely order his attack, because “Hollywood told them.” He also again explained that Hollywood was the original cause of his problems with the Bloods, due to an altercation with Hollywood at Riker’s Island.

28. In a last ditch attempt to get Defendant Robinson to take his concerns seriously, Mr. Wilkins showed him the aforementioned letter from his criminal appeal attorney that underscored the seriousness of the threats.

29. Robinson, however, blithely dismissed the letter by undersigned counsel, in part, because her name did not appear on the firm letterhead.<sup>2</sup> Defendant Robinson also characterized Mr. Wilkins’s information on his enemies as “vague,” despite the fact that Mr. Wilkins provided Hollywood’s name, physical description and cell assignment.

30. At the conclusion of the hearing on March 29, 2005, Robinson rejected Mr. Wilkins’s request for protective custody, noting “[f]rom what I can tell here you have listed no problem with anybody on this particular [Eleven] Block, and advised Mr. Wilkins to write to his counselor to request protective custody. Robinson noted that Mr. Wilkins would “never see” Hollywood, Hightower, or Elliott because he would be housed in Eleven block. Mr. Wilkins countered that he would still see them at certain times and repeatedly stated: “I don’t want to get hurt.” Robinson assured Mr. Wilkins that inmates in Eight Block (i.e. Hightower and Elliott) and inmates in Eleven Block “do not commingle.”

31. Following the hearing, as a punishment for refusing to return to the general population in Eight block, Mr. Wilkins was sent to solitary confinement until May 4, 2005. *See* Exhibit 3, Superintendent Hearing Report, dated March 29, 2005.

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<sup>2</sup> Only the names of the firm’s partners appear in the letterhead, and the undersigned is an associate with the firm.

32. While in solitary confinement, Mr. Wilkins had another interview with Defendant Belmonte and again repeated the threats he had received from the Bloods, and that he knew he would be cut if he were returned to the general population.

33. After he was released from solitary confinement, Mr. Wilkins was moved—without explanation or justification—to Eight Block, despite his repeated warnings that Hightower and Elliott, the leaders of the Bloods on Eight Block, would see to it that he would be cut.

34. On May 9, 2005, as Mr. Wilkins was returning from the Eight Block yard during “go-back”<sup>3</sup> time, he was approached from behind by another inmate and slashed in the face with a shank as he was about to reenter the building. Even though “go-back” time is known to be a particularly dangerous time for inmates, there were no corrections officers near Mr. Wilkins to offer him any protection.

35. Corrections Officer Cragle (“Cragle”) observed Mr. Wilkins directly after the attack. Mr. Wilkins told Cragle that he was cut from behind by another inmate, whom he could not see, while the inmates were returning from the yard.

36. Mr. Wilkins was sent to the medical unit and was found to have a four-inch cut on the right side of his face. He received 23 stitches on his face. Officer Cragle made out an incident report. *See* Exhibit 5, Incident Report, dated May 9, 2005.

37. Corrections officers later found a shank fashioned from a can lid with a jagged edge in the Eight Block yard near the wheelchair ramp. The lid had been cut to form a serrated edge and was wrapped with a piece of paper to form a handle. The weapon, which was two inches in length, was placed in a contraband locker.

38. The Five Points investigation later determined that inmate Hall (04-A-0075) was the perpetrator. Inmate Hall was a known member of the Bloods who resided on Eight Block. At the time of the assault, Hightower was also present in the yard.

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<sup>3</sup> Time when inmates return to cells from the yard.

39. Mr. Wilkins remained in the medical unit for three days and complained of tremendous pain to his face and ear. He was denied adequate pain medications and could not sleep due to the pain.

40. Mr. Wilkins suffered serious physical, emotional and psychological trauma as a result of the attack. He has endured flashbacks of the incident and nightmares of the attack in which he is being cut. He continues to experience serious depression and anxiety to this day.

41. After being released from the medical unit, Mr. Wilkins was placed in protective custody.

42. Mr. Wilkins repeatedly requested to be transferred to another facility. In early July 2005, Mr. Wilkins was told that his request to be transferred had been approved, yet he still remained at Five Points.

43. On or about July 29, 2005, Mr. Wilkins was finally transferred from Five Points to Great Meadow Correctional Facility.

## **V. CAUSES OF ACTION**

44. Mr. Wilkins repeats and re-alleges each of the allegations contained in paragraphs 1 through 43 above.

### **Count I**

45. Mr. Wilkins repeatedly warned the Defendants that he would be attacked. The Defendants, however, showed deliberate indifference to Mr. Wilkins by failing to move him to protective custody and protect him from harm. Worse, the Defendants acted with deliberate indifference by moving Mr. Wilkins to the very same block where his known enemies resided.

46. Further, the Defendants showed deliberate indifference by failing to implement an adequate weapons control policy by regularly searching inmates and their cells for shanks and other weapons.



47. Finally, the Defendants showed deliberate indifference by failing to ensure a sufficient number of guards in the yard and on the block to prevent an inmate-on-inmate assault with a weapon during “go-back” time.

48. These failures violated Mr. Wilkins’s rights under the Eighth Amendment to the United States Constitution and 42 U.S.C. §1983.

## **VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for a judgment against each of the Defendants, jointly and severally, and requests as follows:

1. An Order entering judgment for Plaintiff and against Defendants;
2. An award to Plaintiff of compensatory and punitive damages;
3. An award to Plaintiff of costs and attorneys’ fees in this action;
4. An award to Plaintiff of interest on the foregoing sums; and
5. Such other relief as is just and proper.


## **JURY DEMAND**

Plaintiff hereby demands a trial by jury of all the issues that may be so tried.

Dated: May 7, 2008

Respectfully submitted,

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP

By:   
Kristy M. Tillman  
Kathrin Ellermann

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New York, NY 10019-6064  
Ktillman@paulweiss.com  
Kellermann@paulweiss.com  
(212) 373-3000

Attorneys for Plaintiff Koran Wilkins

RECYCLED



## PAUL, WEISS, RIFKIND, WHARTON &amp; GARRISON LLP

## FILE COPY

Delivered by: 212-373-3417 Time: Date: 212-492-0417 ktillman@paulweiss.com	HOW MAILED Ordinary <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Air Mail <input type="checkbox"/> Certified <input type="checkbox"/> Special Delivery <input type="checkbox"/> Express Mail <input type="checkbox"/>	Mailed by <u>AE</u> Postage <u>74</u> Enc. <input type="checkbox"/> Date <u>MAR 18 2005</u>	File No.: Matter: <u>98300-100</u>
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ktillman@paulweiss.com

5022

March 17, 2005

Via Facsimile &amp; US Mail

Head Counselor  
 Five Points Correctional Facility  
 State Road 96, P.O. Box 119  
 Romulus, New York 14541

Koran Wilkins, No. 04A2326

Dear Sir:

I write on behalf of my client Koran Wilkins to emphasize the importance of his remaining in protective custody. Since arriving at Five Points Correctional Facility, Mr. Wilkins has been threatened numerous times by multiple gang members and seriously believes he will be attacked if he is returned to the general population. Therefore, he strongly desires to remain in protective custody and has expressed serious concern to me about being returned to the general population.

Mr. Wilkins has reported to me that many of these threats stem from a prior altercation he had with a gang member at Riker's Island who is now also at Five Points; this person is intent on carrying out retribution on Mr. Wilkins, either directly or through other gang members. The reality of possible bodily harm and serious injury to Mr. Wilkins cannot be overstated. For example, even when he was in the general population, he refused to go outdoors during the time allotted out of fear of being attacked.

Head Counselor

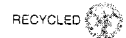
2

As his attorney, I am extremely concerned for Mr. Wilkins's safety and well-being. He should be allowed to remain in protective custody for the time being. In addition to providing him safety, this will allow him to focus on his appeal without fear of further threats or likely attacks. Please call me if you need to discuss this further.

Very truly yours,

Kristy Tillman

cc: Koran Wilkins



FORM 2171A (4/01)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

Five Points

Correctional Facility

## INMATE MISBEHAVIOR REPORT ♦ INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

1. NAME OF INMATE (Last, First) ♦ NOMBRE DEL RECLUSO (Apellido, Nombre) <u>Wilkins, Kora</u>	NO. ♦ NÚM. <u>04A2326</u>	HOUSING LOCATION ♦ CELDA <u>12C246B</u>
2. LOCATION OF INCIDENT ♦ LUGAR DEL INCIDENTE <u>12C246B</u>	INCIDENT DATE ♦ FECHA <u>3-21-05</u>	INCIDENT TIME ♦ HORA <u>12<sup>28</sup> PM</u>
3. RULE VIOLATION(S) ♦ VIOLACIONES <u>106.10 Direct Order.</u> <u>109.12 Facility Movement</u> <u>109.15 Double-cell assignment</u>		
4. DESCRIPTION OF INCIDENT ♦ DESCRIPCIÓN DEL INCIDENTE <u>On 3-21-05 inmate Wilkins 04A2326 was informed that he had been denied protective custody and would be moving to 8-block. This inmate stated that he would be cut by the block if put in general population. He was given several direct orders by this writer to exit his cell with his property and move to 8-block. All of these orders were disobeyed and the inmate stated he would rather go to SHU. This inmate was moved to 12A16T. Before he could be put in 12A16T he requested to speak to MHU staff. After speaking with MHU staff he was placed in MHU cell #6.</u>		
REPORT DATE ♦ FECHA <u>3-21-05</u>	REPORTED BY ♦ NOMBRE DE LA PERSONA QUE HACE EL INFORME <u>T. Haysell</u>	SIGNATURE ♦ FIRMA <u>T. Haysell</u>
5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay)		TITLE ♦ TÍTULO <u>Sgt.</u>
SIGNATURES ♦ FIRMAS 1. <u>EO D. Smith</u> 2. <u>OB</u> 3. _____		

NOTE: Fold back Page 2 on dotted line before completing below.

6. WERE OTHER INMATES INVOLVED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	IF YES, GIVE NAME & #
7. AT THE TIME OF THIS INCIDENT, WAS INMATE UNDER PRIOR CONFINEMENT/RESTRICTION?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	OR <u>PC Pending</u>
AS A RESULT OF THIS INCIDENT, WAS INMATE CONFINED/RESTRICTED?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
8. WAS INMATE MOVED TO ANOTHER HOUSING UNIT?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
IF YES, (a) CURRENT HOUSING UNIT	<u>12A16T</u>	(b) AUTHORIZED BY <u>Lt. Sanders</u>
9. WAS PHYSICAL FORCE USED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	IF YES, FILE FORM 2104	
AREA SUPERVISOR ENDORSEMENT <u>Sgt. T. Haysell</u>		

10	A-2-35T - Rosado	10/12/00	11/16/03
10	B-2-35T	Sm. 1/1	11/16/03
	C-2-35T	03/15/77	crp

Demise  
11/16/03  
218 days

KL  
Hollywood  
C-2  
10 block - 35T team

1360d	Hollywood	8 - 11/13
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## TIER 3: CASE DATA WORK SHEET

INCIDENT DATE: <u>3-21-05</u>		VIDEO REQUESTED: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
INTERPRETER REQUESTED: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		REQUEST SUBMITTED: YES/NO	
SPANISH COPY PROVIDED: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		WITNESSES:	
ASSISTANCE REQUESTED: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			
EVIDENCE: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> LOCKER: <input checked="" type="checkbox"/> NO <input type="checkbox"/>			
INMATE NAME: <u>Wilkins, Karan</u>		DIN: <u>0442326</u> HOUSED: <u>12-A1-65</u>	
SERVED: <u>3-23-05</u> TIME: <u>9:37</u> AM/PM			
SERVING OFFICER SIGNATURE: <u>T. Brown CO</u>			
<p>*****</p> <p>Case must be heard within (7) days if confined, and the inmate must be given the opportunity to select and use of an Assistant. If the inmate is released from confinement prior to the (7) day limitation, he must have at least (24) hours to prepare a defense. If the inmate is not confined, the case must be heard within (15) days of the date of the misbehavior report. An extension may be granted by request to the Department Counsel and approval.</p> <p><b>INMATE ATTENDANCE AT TIER HEARING IS VOLUNTARY.</b></p>			
SERVED UPON INMATE:			
<input checked="" type="checkbox"/> Misbehavior Report (pages) <input type="checkbox"/> Misbehavior Report (Spanish - pages) <input type="checkbox"/> Admin Seg. Recommendation <input type="checkbox"/> IPC Recommendation <input type="checkbox"/> Religious Services Notification <input checked="" type="checkbox"/> Chapter V (Dir. 4932) Inmate has been offered a copy. If accepted inmate has been informed that failure to return this copy at time of hearing may result in disciplinary proceedings for restitution.		<input checked="" type="checkbox"/> *Urinalysis Testing <input checked="" type="checkbox"/> Request for Urinalysis Test <input checked="" type="checkbox"/> Urinalysis Procedure Form <input checked="" type="checkbox"/> Appendix C (Directory 4937) <input checked="" type="checkbox"/> SYVA Emit-st Result Card <input checked="" type="checkbox"/> Medical Certification <input checked="" type="checkbox"/> Contraband Drug Testing <input checked="" type="checkbox"/> Req. Test/Suspected Contraband Drugs <input checked="" type="checkbox"/> Contraband Test Procedure <input checked="" type="checkbox"/> Appendix C (Dir. 4938) <input checked="" type="checkbox"/> NIK Individual Test Instructions	
INMATE SIGNATURE: <u>Karan Wilkins / 0442326</u> DIN#		DATE: <u>3/23/05</u>	
SERVING OFFICER: <u>T. Brown CO</u>		DATE: <u>3-23-05</u>	
Two signature required if inmate refuses to sign:			
SERVING OFFICER: _____		WITNESS SIGNATURE: _____	
		DATE: _____	

## FIVE POINTS CORRECTIONAL FACILITY: TIER ASSISTANCE SELECTION

INMATE: Wilkins, Koran DIN 04A2326 LOCATION 12A-6T

In accordance with the provisions of Part 251C, Chapter V, you are entitled to select an Assistant from a list established at this facility to assist you in connection with charges of misbehavior filed on 3-21-05. Please choose three (3) names from the list below.

De acuerdo con las provisiones de la parte 251C del capítulo V, usted tiene derecho a seleccionar un asistente de la lista establecida por la institución para asistir a usted en conexión con los cargos en su contra el día 3-21-05. Favor de seleccionar tres (3) nombres de la lista establecida.

The right to select an Assistant has been explained to me and:

(☒) I wish to select 3 of the following

( ) Mi derecho a seleccionar 3 asistente ha sido explicado

COGGIOLA, J.	EDLEN, J.	[REDACTED]
[REDACTED]	SULLIVAN, E.	SAMPSON, S.
BARRY, L.	BOGDAN, T.	JANIS, G.
[REDACTED]	MCCLELLAN, D.	DOXSTADER, D.
LUNDUSKI, D.	EDWARD, J.	FOOSE, W.
DELMAR, T.	MCKEE, M.	HANLEY, R.
<input checked="" type="checkbox"/> FARNEY, K.	[REDACTED]	<input checked="" type="checkbox"/> LOFTUS, J.
CALL, S.	BARKEE C.	SCHRADER, D.
HESSE, S.	<input checked="" type="checkbox"/> EDICK, A.	SCHILLACE, M.
FLYNN, D.	WALSH, T.	[REDACTED]
FOOTE, G.	BABINEAUX, R.	PARISH, S.
O'CONNOR, S.	BENTLEY, D.	[REDACTED]
[REDACTED]	JOHNSON, E.	MINGES, K.
[REDACTED]	[REDACTED]	[REDACTED]

## SPANISH SPEAKING:

    R. HERNANDEZ

    R. BELMONTE

The right to select an Assistant has been explained to me and:

(☒) I wish to waive my right to an Assistant

Mi derecho a seleccionar un asistente ha sido explicado a mí:

( ) Yo declino el derecho a seleccionar un asistente.

Koran Wilkins , 04A2326 , 3/23/05 ,  
INMATE'S NAME (PRINT) DIN NO. DATE SIGNATURE

T. Rogers CO , T. Rogers CO , 3-23-05  
OFFICER'S NAME (PRINT) SIGNATURE DATE

INMATE REFUSES TO SIGN WITNESS (PRINT) SIGNATURE DATE

4/2/04

**FIVE POINTS CORRECTIONAL FACILITY  
ASSISTANCE FORM FOR TIER 3**

DATE ASSIGNED: 3/23/05

TO: Stephen Parish

INMATE NAME: Wilkins, Koren

DIN NO: 04A2326 HOUSED: 12-A1-06B INC. DATE: 3/21/05 REPORT DATE: 3/21/05

PURSUANT TO SECTION 251-4.2 OF CHAPTER V, YOUR ROLE IS TO ENSURE THAT THE INMATE UNDERSTANDS THE CHARGES, INTERVIEW POTENTIAL WITNESSES IDENTIFIED BY THE INMATE AND REPORT THE RESULTS OF YOUR EFFORTS TO THE INMATE. YOU MAY ALSO BE REQUESTED TO OBTAIN RELEVANT DOCUMENTARY EVIDENCE TO ASSIST IN THE PREPARATION OF THE INMATE'S DEFENSE OF THE CHARGES.

I INITIALLY MET WITH THE INMATE ON 3/23/05 at 1:47 AM/PM.

WANTS VIDEO: YES (NO)

NEEDS INTERPRETER: YES/NO

THE INMATE HAS REQUESTED THE FOLLOWING INMATES AS POTENTIAL WITNESSES TO BE INTERVIEWED:

NAME:

**DIN NO:**

**CELL LOCATION:**

**TESTIFY:**

YES/NO

YES/NO

YES/NO

THE INMATE HAS REQUESTED THE FOLLOWING STAFF TO BE INTERVIEW AS POTENTIAL WITNESSES:

NAME:

**NOTIFIED:**

**REQUESTS:**

**ACTION TAKEN:**

no requests

I HAVE INTERVIEWED WITNESSES AND ASSISTED THE INMATE AS REQUESTED AND REPORTED THE RESULTS. I HAVE ALSO ATTACHED COPIES OF EVERYTHING THAT WAS GIVEN TO THE INMATE FOR THIS ASSISTANCE.

(INMATE SIGNATURE)

(ASSISTANT SIGNATURE)

DATE \_\_\_\_\_

DATE \_\_\_\_\_

INMATE REFUSES TO SIGN: WITNESSED BY:

TITLE:





HEARING RECORD

SEVEN OFFICER LT HUBBARD  
 HEARING DATE 03/21/05 TIER 3  
 C.R. DATE 06/12/2009 N.E. DATE 10/12/2012

OMH SAT UNIT OR ICP

1) NAME WILKINS, KORAN DIN 0462326 LOCATION MH-00-106  
 2) INCIDENT DATE 03/21/05 INCIDENT TIME 12:20 PM  
 3) INMATE WAS CONFINED  
 4) INMATE WAS NOT RELEASED AT REVIEW  
 5A) SERVING OFFICER CO T. Brown SERVING DATE/TIME 3/23/05 9:37A  
 5B) RELEASED FROM PREHEARING CONFINEMENT? NO  
 AUTHORIZED PERSON NA DATE AUTHORIZED NA  
 6) ASSISTANT NAME S. Parish  
 7) INTERVIEW DATE 3/23/05 INTERVIEW TIME 1:47 pm  
 8) EXTENSION NUMBER NA (IF APPLICABLE)  
 9) IF APPLICABLE, CHECK REQUIRED DRUG TESTING FORMS PROVIDED TO INMATE  
 PURSUANT TO DIRECTIVE 4937 OR 4938  
 TEST REQUEST FORMS NA TEST PROCEDURE FORMS NA  
 TEST RESULT FORMS NA APPENDIX C NA OTHER (SPECIFY) NA  
 10) INMATE IS ENGLISH SPEAKING  
 A) IF NOT, WERE CHARGES TRANSLATED AND SERVED TO INMATE? NA  
 B) INTERPRETOR AT HEARING NA  
 11) HEARING BEGIN DATE 3/21/05 TIME 11:00 AM END DATE 3/29/05 TIME 3:34 pm  
 12) CHARGES: SPECIFY INMATE'S PLEA TO THE CHARGES CONSIDERED AT THE HEARING  

CHARGE NUMBER	DESCRIPTION OF CHARGES	REPORTED BY	INMATE'S PLEA
106.10	REFUSING DIRECT ORDER	SGT. HAPPELL	<u>Guilty</u>
109.12	MOVEMENT REGULATION VIOLATION	SGT. HAPPELL	<u>Guilty</u>
109.13	REFUSE DOUBLE-CELLING	SGT. HAPPELL	<u>Not Guilty</u>

SIGNATURE OF INMATE Koran WilkinsDATE 3/21/05TIME 11:40 am

13) WITNESSES: IF NONE REQUESTED, CHECK HERE

A) REQUESTED BY INMATE

TESTIFIED

IN INMATE'S PRESENCE

Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐

B) REQUESTED BY HEARING OFFICER

TESTIFIED

IN INMATE'S PRESENCE

Y ☒ N ☐Y ☐ N ☒Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐Y ☐ N ☐

NOTE: IF ANY WITNESS IS DENIED OR IF A REQUESTED WITNESS TESTIFIES OUTSIDE THE PRESENCE OF THE INMATE CHARGED, AND/OR THE INMATE IS NOT PERMITTED TO REVIEW TESTIMONY OF SUCH WITNESS, FORM 2176 EXPLAINING THE REASON FOR THAT DETERMINATION MUST BE GIVEN TO THE INMATE AND INCLUDED AS PART OF THE RECORD.

HEARING OFFICER SIGNATURE: E. Robinson

03/21/05

STATE OF NEW YORK ATTACHMENT OF CORRECTIONAL RECORDS PAGE  
FIVE POINTS

BCP004

SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 0442326 NAME: WILKINS, KORAN

HEARING DATE: 3/29/05

## A. STATEMENT OF EVIDENCE RELIED UPON:

The written report of Sgt Happell, that states you refused to move to 8 block on 3/21/05. Your verbal admission to refusing to move to 8 block on 3/21/05 stating you wanted P.C. She explained that your request for P.C. was denied and you were to move to general population. You are currently double banded in general population. Confidential OMT testimony has been taken and considered.

## B. REASONS FOR DISPOSITION:

Five Points CF is on double banded correctional facility and refusing to move is disruptive to facility operations. To deter this type of conduct by you and others.

SPECIAL INSTRUCTION ON VISITATION OR CORRESPONDENCE RESTRICTIONS, REFERRALS OR SPECIAL EVENT LOSS:

I HAVE RECEIVED A COPY OF THIS HEARING DISPOSITION DATED: 3/29/05

*G. Robinson*  
HEARING OFFICER SIGNATURE

*Koran Wilkins*  
INMATE SIGNATURE

3/29/05 3:30 PM  
DATE & TIME RECEIVED

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING APPEAL PROCEDURES:

\_\_\_\_ FOR TIER II HEARINGS-APPEAL TO SUPERINTENDENT WITHIN 72 HOURS.

☒ FOR TIER III HEARINGS-APPEAL TO COMMISSIONER WITHIN 30 DAYS.





PAGE 1

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES  
UNUSUAL INCIDENT REPORTPRINTED AT  
05/19/05 08:36 AM

FIVE POINTS FAC CODE 370 FAC LOG# 050035 CCC# 190518

INCIDENT DATE 05/09/05 TIME 02:30 PM LOCATION YARD

TELEPHONE DATE 05/09/05 TIME 05:33 PM

PERSON CALLING LT BARRETTE  
PERSON RECEIVING CAPT GARY CONSTANT

REPORT DATE 05/19/05 PERSON REPORTING SUPER THOMAS M. POOLE

USE OF FORCE NO WEAPON USED YES

\*\*\*\*\*

ASSAULT (02) 01  
ON INMATE

\*\*\*\*\*

DESCRIPTION:

AT APPROX. 02:30 DURING THE (8) BLK. YARD LET-IN INMATE WILKINS (04A2326) WAS OBSERVED BY CO CRAGLE TO HAVE A CUT ON THE RIGHT SIDE OF HIS FACE. THIS INMATE TOLD CO CRAGLE THAT HE WAS CUT FROM BEHIND BY AN UNKNOWN INMATE WHILE IN THE YARD. AT THE TIME OF THIS INCIDENT THERE WERE APPROX. 100 INMATES IN THE 8 BLK. YARD. INMATE WILKINS LOCKS IN CELL 08-C2-35B.

\*\*\*\*\*

EVENTS CAUSING:

INMATES FROM 8 BLOCK YARD WERE RETURNING TO BLOCK.

\*\*\*\*\*

ACTION TAKEN:

INMATE WILKINS WAS SEEN BY NURSE MOSES AND FOUND TO HAVE A 4 INCH CUT ON THE RIGHT SIDE OF HIS FACE THAT WAS CONSISTANT WITH A CUTTING TYPE WEAPON, THAT REQUIRED 23 STICHES. ALL MOVEMENT FROM THE YARD WAS STOPPED AND THE REMAINING INMATES PAT FRISKED (NCF). WILKINS CELL WAS FRISKED (NCF). (8) BLK YARD WAS FRISKED AND A CAN LID (2) INCH BY (1) INCH WITH A PAPER AND TAPE HANDLE ON ONE SIDE AND A JAGGED EDGE ON THE OTHER WAS FOUND BY CO VILLENUVE. WEAPON WAS PLACED IN THE CLASS (A) LOCKER. INMATE WILKINS PLACED IN KEEPOCKED STATUS AND HOUSED IN THE INFIRMARY. PHOTOS TAKEN REPORTS FILE. DSS NAPOLI NOTIFIED. INVESTIGATION CONTINUES. REQUIRED STICHES WERE APPLIED BY FACILITY STAFF. FURTHER INVESTIGATION INDICATES THAT INMATE HALL (04A0075) WAS THE PERP.

\*\*\*\*\*

(13 pg)

PAGE 2

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES  
UNUSUAL INCIDENT REPORTPRINTED AT  
05/19/05 08:36 AM

FIVE POINTS

FAC CODE 370

FAC LOG# 050035

CCC# 190518

INCIDENT DATE 05/09/05 TIME 02:30 PM LOCATION YARD

USE OF FORCE NO

WEAPON USED YES

\*\*\*\*\*  
MEDICAL REPORT:

1-1/2" RIGHT CHEEK &amp; 1-1/4" UNDER RIGHT EAR LOBE; 1" ABRASION RIGHT NECK

D. YEOMANS/NURSE05/09/05 03:15 PM

EXAMINER NAME/TITLE

EXAM DATE/TIME

\*\*\*\*\*  
PROPOSED DISCIPLINARY ACTION:

104.13, 106.10, 118.23, 100.13, 104.11

\*\*\*\*\*  
PROPERTY DAMAGE:

NA

\*\*\*\*\*  
NOTIFICATION (FAMILY):

NA

NOTIFICATION (POLICE/OTHER):

DSS NAPOLI

\*\*\*\*\*  
INMATE INFORMATION:\*\*\*\*\*  
WILKINS, KORAN04A2326 DOB 05/09/1974 ETHNIC - BLACKGEN INCIDENT - SPECIFIC INCIDENT  
ASSAULT - ON INMATEROLE  
VICTIMWEAPON  
UNR/CUTTINGFORCEINJURY  
LACERATION

FIVE POINTS

Facility

## INMATE MISBEHAVIOR REPORT

1) Name of Inmate Wilkins KORAN No. 04A2326 Housing Location 8 C2-353  
 Last First Incident Date 5-9-05 Incident Time Approx 2:35 PM

2) Location of Incident 8 B1 High side Gallery near console

3) Rule Violation(s) 104.13 Disturbance 106.10 Direct order 118.23 Inmates shall promptly report injuries 100.13 Fighting 104.11 Violent Conduct

4) Description of Incident On 5-9-05 AT APPROX 2:35PM I WAS POSITIONED ON THE END OF 8 B1 GALLERY TO OBSERVE 8 BUILDING'S UPPER DECK GO BACK FROM THE 8 BUILDING YARD. I NOTICED INMATE WILKINS 04A2326 WALKING THRU THE B1 YARD DOOR WITH HIS KNIT CAP ON AND PULLED LOW OVER HIS RIGHT CHEEK. WHEN INMATE WILKINS EXITED THE GALLERY, I GAVE HIM A DIRECT ORDER TO COME TO WHERE I WAS STANDING HE IGNORED ME I THEN GAVE HIM A SECOND DIRECT ORDER TO STOP AND TO WALK OVER TO ME THIS TIME HE LOOKED AT ME BUT STILL REFUSED TO COMPLY. I GAVE HIM A THIRD DIRECT ORDER AND STARTED TO WALK TOWARDS HIM WHEN HE FINALLY COMPLIED. AS HE APPROACHED ME I GAVE HIM A DIRECT ORDER TO REMOVE HIS KNIT CAP TO WHICH HE COMPLIED. AS HE TOOK OFF HIS KNIT CAP I OBSERVED WHAT APPEARED TO BE A CUT ON HIS UPPER RIGHT CHEEK. I IMMEDIATELY PLACED INMATE WILKINS ON THE WALL IN A PAT FRISK POSITION AND NOTIFIED THE SGT. DURING THE COURSE OF THE GO BACK APPROX 60 INMATES WERE PRESENT WHEN I CONFRONTED INMATE WILKINS SEVERAL INMATES STOPPED AND/or SLURRED DOWN TO WATCH WHAT WAS HAPPENING. INMATE WILKINS WAS PAT FRISKED BY MYSELF NO CONTRABAND WAS FOUND INMATE WAS PLACED IN THE DOWNSTAIRS HOLDING PEN.

5-9-05 E. CRAGLE E/C C.O.  
 Report Date Reported By (Print) Signature Title

5) Endorsements of other employee witnesses (if any) SIGNATURES: 1. \_\_\_\_\_  
 2. \_\_\_\_\_ 3. \_\_\_\_\_

NOTE: Fold back Page 2 on dotted line before completing below.

6) Were other inmates involved? Yes/No If yes, give name & # \_\_\_\_\_

7) At the time of this incident was inmate under prior confinement/restriction Yes/No or  
 As a result of this incident was inmate confined/restricted Yes/No R/L Pending  
LT Barrett

8) Was inmate moved to another Housing Unit? Yes No \_\_\_\_\_  
 If yes, (a) Current Housing Unit INF Room 3 (b) Authorized by LT Barrett

9) Was physical force used? Yes/No (If yes, file Form 2104) \_\_\_\_\_

DISTRIBUTION: White - Disciplinary Office

Area Supervisor Endorsement Sgt. [Signature]

FORM 1595 (6/99)  
(Supersedes Form I-8)

## STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

## INMATE INJURY REPORT

Facility <u>FPCF</u>	Date of injury <u>5-9-08</u>	Time of injury <u>2:30 pm</u>	Place of injury <u>8 Block Yard Entrance</u>
Inmate name <u>Koran Wilkins</u>	DIN# <u>04A-2326</u>	Locking location <u>08-C2-35B</u>	
What was inmate doing when injured? <u>Coming in from yard</u>			
Cause of injury? <u>Cut on Right side of FACE</u>			
Inmate's statement: <u>I told a lot of STAFF here that I needed P.C. I went to P.C. But they kicked me out. I also told them names and I had a problem with <del>staff</del> the bloods</u>			
		<u>Koran Wilkins</u> Inmate's Signature	 Date
Witnesses			
Reporting Employee <u>Kappa</u>			
Title <u>S6T</u>			
FACILITY HEALTH SERVICES REPORT			
Date reported for medical treatment: <u>5-9-08</u>	Time: AM/PM <u>3:15 pm</u>		
Nature of Injury: <u>Face Laceration -</u> <u>Right cheek 1 1/2", 1 1/4" under Right earlobe -</u> <u>1" abrasion Right neck</u>			
Treatment Provided: <u>Sutured &amp; Steri Stripped by Dr. Wunstick</u>			
Was inmate admitted to facility infirmary? yes <input type="checkbox"/> no <input checked="" type="checkbox"/>		Outside hospital? If yes, where? yes <input type="checkbox"/> no <input checked="" type="checkbox"/>	
Name and title of person furnishing treatment at facility:  <u>D. Yerman</u> Signature			
		<u>rw</u> Title	

FORM #2077 (Rev. 8/01)

NEW YORK STATE - DEPARTMENT OF CORRECTIONAL SERVICES

DATE/TIME 5/9/05 4 <sup>00</sup> /P.M.
LOCATION 8-C-2-35B

## CONTRABAND RECEIPT

Five Points

CORRECTIONAL FACILITY

Original - Inmate  
Copy - D.S.S.

OFFICER CONDUCTING SEARCH

SIGNATURE

PRINT NAME

INMATE NAME: Wilkins	DIN# 04A2326
-------------------------	-----------------

☒ NO CONTRABAND FOUND
 ☒ NO PROPERTY DAMAGED DURING SEARCH

ITEMS CONFISCATED OR DAMAGED	WHERE FOUND	COMMENTS

DISPOSITION OF ITEMS LISTED

PERSON RECEIVING ITEMS

SIGNATURE

PRINT NAME

 YOU MAY WRITE TO THE DEPUTY SUPERINTENDENT FOR SECURITY WITHIN 7 DAYS  
 OF THIS RECEIPT REGARDING THE CONFISCATION OR DISPOSITION OF THESE ITEMS.

FORM #2077 (Rev. 8/01)

NEW YORK STATE - DEPARTMENT OF CORRECTIONAL SERVICES

DATE/TIME 5/9/05 4 <sup>20</sup> /P.M.
LOCATION 8-C-2-35T

## CONTRABAND RECEIPT

Five Points

CORRECTIONAL FACILITY

Original - Inmate  
Copy - D.S.S.

OFFICER CONDUCTING SEARCH

SIGNATURE

PRINT NAME

INMATE NAME: GARNER	DIN# 04B2166
------------------------	-----------------

☒ NO CONTRABAND FOUND
 ☒ NO PROPERTY DAMAGED DURING SEARCH

ITEMS CONFISCATED OR DAMAGED	WHERE FOUND	COMMENTS

DISPOSITION OF ITEMS LISTED

PERSON RECEIVING ITEMS

SIGNATURE

PRINT NAME

 YOU MAY WRITE TO THE DEPUTY SUPERINTENDENT FOR SECURITY WITHIN 7 DAYS  
 OF THIS RECEIPT REGARDING THE CONFISCATION OR DISPOSITION OF THESE ITEMS.

## STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

FIVE POINTS

CORRECTIONAL FACILITY

## VOLUNTARY PROTECTIVE CUSTODY STATUS CONSIDERATION FORM

NAME WILKINS KORAN DIN 04A2326 REQUEST DATE 5-9-05  
 EMPLOYEE RECEIVING REQUEST A. KAPA NAME SGT. TITLE

## SECTION A

SUMMARY OF REASONS FOR VOLUNTARY PROTECTIVE CUSTODY REQUEST  
(TO BE COMPLETED BY EMPLOYEE RECEIVING REQUEST)

INMATE WAS CUT ON RT. SIDE OF FACE DURING YARD GO BACK WITH  
RAZOR TYPE WEAPON, WAS PREVIOUSLY IN P.C. AND CONTINUES TO  
HAVE PROBLEMS WITH GANG MEMBERS.

INMATE'S SIGNATURE Koran Wilkins DATE 5/9/05

AFTER COMPLETION OF SECTION A, FORWARD FORM AND RELATED DOCUMENTS TO APPROPRIATE OFFICE FOR FURTHER ACTION.

## SECTION B

INTERVIEW

Upon receipt of a protective custody request, the inmate shall be interviewed by a correction counselor or supervisory level employee. Available records shall also be reviewed.

INTERVIEWER'S COMMENTS AND RECOMMENDATION REGARDING PROTECTIVE CUSTODY REQUEST.

INTERVIEWED BY \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

AFTER COMPLETION OF SECTION B, FORWARD FORM AND RELATED DOCUMENTS TO SUPERINTENDENT'S OFFICE FOR FINAL DETERMINATION.

## SECTION C

SUPERINTENDENT'S DETERMINATION

\_\_\_\_\_  
 ASSIGN TO PROTECTIVE CUSTODY STATUS

\_\_\_\_\_  
 DO NOT ASSIGN TO PROTECTIVE CUSTODY STATUS

\_\_\_\_\_  
 SUPERINTENDENT'S SIGNATURE

\_\_\_\_\_  
 DATE

## NOTICE TO INMATE:

If assigned to Protective Custody status, you may at any time make a written request to the Superintendent for a reassignment to general population. Such request shall be evaluated and within 14 days you shall either be reassigned or be subject to a hearing conducted in accordance with the provisions of 7NYCRR Part 254 to determine the need for assignment to Involuntary Protective Custody status.

White - Superintendent  
 Yellow - Inmate  
 Pink - Central Office, Special Housing  
 Gold - Guidance Unit

FORM 2183 (REV. 10/94)

Form 2082 (2/87)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

**REQUEST FOR URINALYSIS TEST**Facility Five Points Test # \_\_\_\_\_Inmate Name Wilkins, Koran Number 09A2326 Cell 8C2-35BRequest made by Sgt D. McAllen Date 5/5/05Agent(s) suspected (if any) full scanCircumstances leading to request inmate involved in altercation in 81366c  
yard inmate appeared disoriented during interview

Test approved by \_\_\_\_\_ Date \_\_\_\_\_

Inmate told the underlying reason why he is being ordered to submit a urine specimen

(circle one: Suspicion Routine Random )

By \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Has inmate taken medication recently? ( YES or NO ) Specify \_\_\_\_\_

Inmate ordered to submit specimen: Date \_\_\_\_\_ Time \_\_\_\_\_

Specimen witnessed and obtained by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Does inmate willfully refuse to submit specimen? ( YES or NO )

Does inmate claim to be unable to submit specimen? ( YES or NO ) Date \_\_\_\_\_ Time \_\_\_\_\_

If inmate claims to be unable to submit specimen, has inmate been given at least three hours to submit specimen?

( YES or NO )

Specimen tested by (1st Test) \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Results \_\_\_\_\_

Specimen tested by (2nd Test) \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Results \_\_\_\_\_

**Chain of Custody (Starting with staff obtaining specimen. Attach additional pages if necessary.)**

From \_\_\_\_\_ To \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

This form is to be filled out **completely**. It is to accompany the specimen until the specimen is tested.If the specimen is positive, a **Misbehavior Report** shall be written.

FP031 (09/00)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES  
**FIVE POINTS CORRECTIONAL FACILITY**  
**MEMORANDUM**

TO: LT. BARRETTE, Watch CommanderFROM: CO SCHMEZZLEDATE: 5/9/05SUBJECT: Use of Force / UI Inmate Photographs 05-0035

On the above date, at approximately 400 a.m./p.m., I took the following photographs of inmate WILKINS, K DIN 04A2326.

The photographs were taken at the following location: INFIRM.

Check off each view when taken:

☐ #1 Front View    ☐ #2 Back View    ☐ #3 Right Side View    ☐ #4 Left Side View

Briefly describe each injury photograph:






TWO CUTS ON RIGHT CHEEK

Number of sets of photos: 2      Number of photos per set: 4

Photographs taken by:

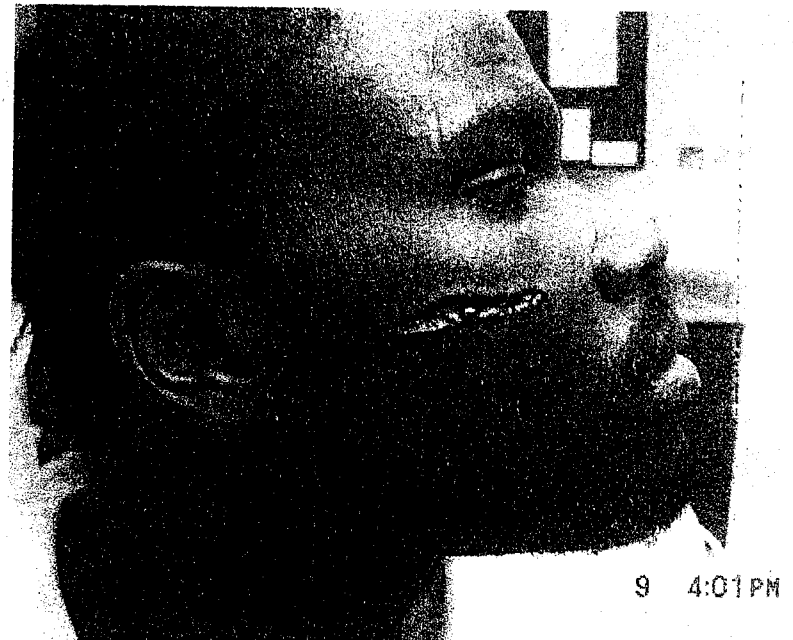
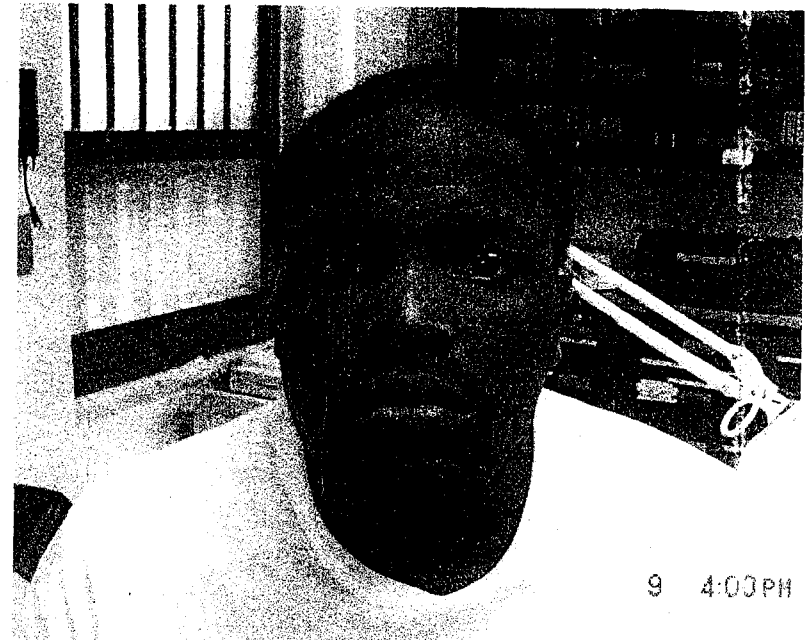
Schmezzle  
 Signature

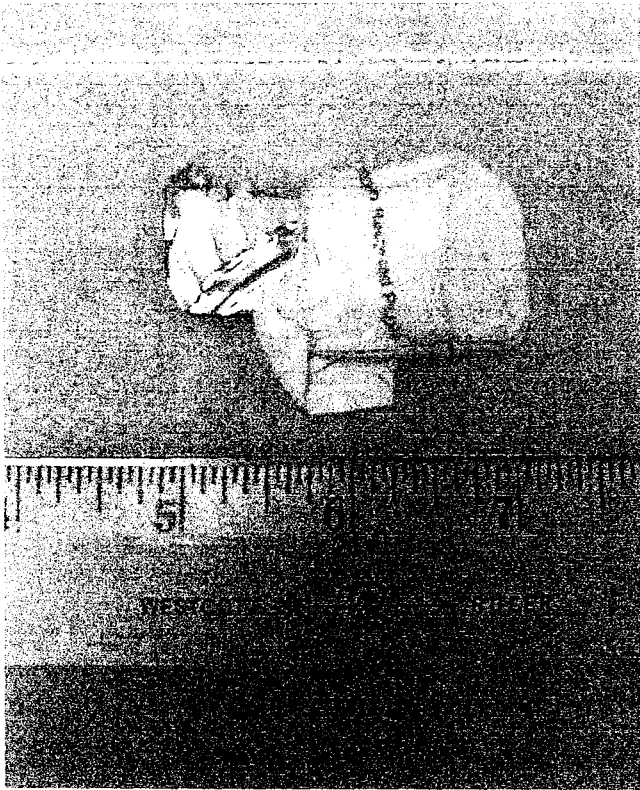
SCHMEZZLE CO  
 Print Name & Title

				
Front View 75% of View Finder	Back View 75% of View Finder	Rt. Side View 75% of View Finder	Lt. Side View 75% of View Finder	Photo of Each Injury 75% of View Finder

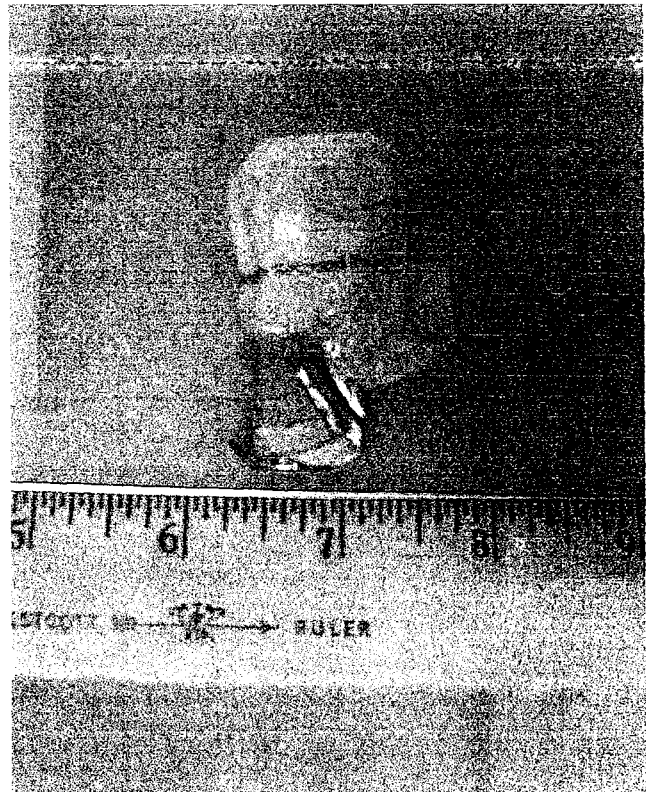


NAME: WILKINS, K  
DIN#: 04A2326  
DATE & TIME: 5-9-05 400 PM  
LOCATION: INFIRM  
PHOTOS BY: SCHMELZLE CO  
UI or #: 05-0035





Wilkins,K, 04A2326, 5/9/05, 445pm,



Schmelzle CO, UI# 05-0035, Found in 8  
block yard



FP026 (08/00)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES  
 FIVE POINTS CORRECTIONAL FACILITY  
 MEMORANDUM

TO: SGT McCLELLAN

FROM: E. CRAGIE, C.O.

DATE: 5-9-05

SUBJECT: UI # 05-0035 (INMATE WILKINS 04A2396)

ON THE ABOVE DATE AT APPROX 2:35PM I WAS POSITIONED ON THE END OF 8 B1 ~~Highside~~ Gallery TO OBSERVE 8 BUILDINGS UPPER DECK GO BACK FROM THE 8 BUILDING YARD. I NOTICED INMATE WILKINS 04A2326 WALKING THROUGH THE B1 YARD DOOR WITH HIS KNIT CAP ON AND PULLED LOW OVER HIS RIGHT CHEEK. WHEN INMATE WILKINS EXITED THE GALLERY I GAVE HIM A DIRECT ORDER TO COME TO WHERE I WAS STANDING HE IGNORED ME. I THEN GAVE HIM A SECOND DIRECT ORDER TO STOP AND TO WALK OVER TO ME. THIS TIME HE LOOKED AT ME BUT STILL REFUSED TO COMPLY. I GAVE HIM A THIRD DIRECT ORDER AND STARTED TO WALK TOWARDS HIM WHEN HE FINALLY COMPLIED. AS HE APPROACHED ME I GAVE HIM A DIRECT ORDER TO REMOVE HIS KNIT HAT TO WHICH HE COMPLIED. AS HE TOOK OFF HIS HAT I OBSERVED WHAT APPEARED TO BE A CUT ON HIS UPPER RIGHT CHEEK. I IMMEDIATELY PLACED INMATE WILKINS ON THE WALL IN THE PAT FRISK POSITION AND NOTIFIED SGT McCLELLAN. DURING THE COURSE OF THE YARD GO BACK APPROX 60 INMATES WERE PRESENT WHEN I CONFRONTED INMATE WILKINS SEVERAL INMATES STOPPED AND/OR SLOWED DOWN TO WATCH WHAT WAS HAPPENING. INMATE WILKINS WAS PAT FRISKED BY MYSELF AND PLACED INTO THE LOWER DECK HOLDING PEN.

Respectfully Submitted by



E. CRAGIE, C.O.

White Copy - Addressee  
 Yellow Copy - Office Use  
 Pink Copy - Employee Making Report

FP026 (08/00)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES  
FIVE POINTS CORRECTIONAL FACILITY  
MEMORANDUM

TO: SGT. D. McClellan

FROM: C.O. J. Villeneuve

DATE: 5/9/05

SUBJECT: Weapon WILKINS 04A2326

AT Approximately 2<sup>45</sup> P staff IN 8 block went to the block yard to Pat FRISK the inmates coming IN, AS a result of a cutting of an inmate.

THE Location of the weapon was Approximately 6" inches to the Left of the wheelchair ramp as you walk into the yard, on the ground.

THE Weapon Appears to be a Can top Lid. THE blade portion of the Lid has been cut to have a serrated type cutting edge. THE metal Lid is wrapped with what appears to be a envelope. The envelope is wrapped with clear plastic tape. THE overall Length of the weapon is Approx 2" inches in Length. The blade portion of the weapon is Approx 7/8" inches in Length. Contraband was Photographed and PLACED in THE CLASS "A" CONTRABAND Locker.

Respectfully

/ Villeneuve C.O.

White Copy - Addressee  
Yellow Copy - Office Use  
Pink Copy - Employee Making Report

FP010 (08/00)

## STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

FIVE POINTS CORRECTIONAL FACILITY  
FIGHT INVESTIGATION REPORT

Watch Commander

DATE:

5/9/05

FROM: SGT. D. Mclellan

1. (a) Wilkins, Koran 01A 232C 8-12-355 Aggressor: ☐ Yes ☐ No ☒ Unk  
Inmate Name & Number Cell Location
- (b) unknown Aggressor: ☐ Yes ☐ No ☒ Unk  
Inmate Name & Number Cell Location
2. Location of Incident: 8 Block yard Date: 5/9/05 Time: 2:30 pm
3. Was force Used: ☐ Yes ☒ No
4. Has medical attention been given to inmate? (a) ☒ Yes ☐ No ☐ Refused  
(b) ☐ Yes ☐ No ☐ Refused
5. Describe any injuries: (a) Two lacerations on right cheek - 1 1/4" and 1" abrasion RT. Neck  
(b) N/A
6. Was a weapon involved? (a) ☐ Yes ☒ No Description: \_\_\_\_\_  
(b) ☒ Yes ☐ No Description: Centipid with notches -
7. Have pictures of the weapon(s) been taken? ☒ Yes ☐ No
8. Where is the weapon(s) now? (a) N/A (b) Class A Evidence locker
9. Does inmate(s) want protection? (a) ☒ Yes ☐ No (b) ☐ Yes N/A ☐ No
10. Does inmate(s) want to press charges? (a) ☒ Yes ☐ No (b) ☐ Yes N/A ☐ No
11. Inmate(s) explanation(s): Inmate Wilkins says inmate cut him by yard door. also said inmate was a "blood". He knows the inmate by sight, not by name.
12. Sergeant's assessment (conclusion): Inmate claims he wants to press charges, but cannot or will not identify attacker.

cc: Deputy Supt. of Security  
Unusual Incident Packet

Sergeant

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

KORAN WILKINS,

Plaintiff,

-v-

SUPERINTENDENT THOMAS M. POOLE;  
COMMISSIONER GLENN S. GOORD;  
DEPARTMENT SUPERINTENDENT DAVID  
F. NAPOLI; HEAD COUNSELOR FRANK  
RHODES; SERGEANT THOMAS HAPPELL;  
SERGEANT JAMES M. MINDE; CAPTAIN  
GRAFTON ROBINSON; CORRECTIONS  
COUNSELOR ROBERTO BELMONTE,  
collectively in their individual and official  
capacities,

Defendants.

---

**JURY TRIAL DEMANDED**

---

Paul, Weiss, Rifkind, Wharton & Garrison LLP

**Attorneys for Plaintiff**

ATTORNEYS AT LAW  
1285 AVENUE OF THE AMERICAS • NEW YORK, NY 10019-6064  
(212) 373-3000

All communications should be referred  
to Kristy M. Tillman